

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

AUG 07 2018

Clerk, U.S. District Court
District Of Montana
Missoula

GEORGE WILLIAM CROOKS,

CV 18-72-M-DLC-JCL

Petitioner,

ORDER

vs.

STATE OF MONTANA,

Respondent.

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendations in this case on May 8, 2018, recommending that Plaintiff George William Crooks' ("Crooks") petition under 28 U.S.C. § 2254 for writ of habeas corpus be denied because his claims are not cognizable in federal habeas. Crooks timely filed an objection to the findings and recommendations, and so is entitled to de novo review of those findings and recommendations to which he specifically objects. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed."

United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Having reviewed Crooks's objections, the Court finds that his arguments are duplicative of those made before and properly considered by Judge Lynch.

Crooks urges the Court to find that Judge Lynch did not properly address Montana law related to his D.O.C. sentence. (Doc. 4 at 3–4.) However, Judge Lynch did analyze all claims raised by Crooks, and correctly found that Crooks cannot seek redress on a purported state law violation without demonstrating that the state court violated the constitution or some federal law.


Further, the Court agrees with Judge Lynch's determination that a certificate of appealability is not warranted.

IT IS ORDERED that Judge Lynch's Findings and Recommendations (Doc. 3) are ADOPTED IN FULL. Crooks' Petition (Doc. 2) is DENIED because the claim is not cognizable in federal habeas.

IT IS FURTHER ORDERED that the Clerk of Court shall enter by separate document a judgment in favor of Respondents and against Petitioner.

IT IS FURTHER ORDERED that a certificate of appealability is DENIED.

DATED this 7th day of August, 2018.



Dana L. Christensen, Chief Judge
United States District Court